IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.683 OF 2004

Mr.Subhash J.Valvekar ..Petitioner

V/s.

Union of India & Ors. ..Respondents

Mr.P.M.Pradhan for the petitioner.

Mr.Harihar Bhave i/by Bhave & Co. for Respondent Nos.2 to 4.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 19.4.2005.

PC

. Rule. Returnable forthwith.

2. Mr.Harihar Bhave waives service for Respondent Nos.2 to 4. Service on respondent no.1 is dispensed with being formal party.

3. Having perused the order of the appellate authority dated 7.3.2003, we find that the appellate authority has disposed of the appeal in a very cryptic way. The order passed by the appellate authority is no better than a non-speaking order. In this view of the matter, diverse contentions raised in the Writ petition need not be examined by

us and we are of the view that the matter should be remitted back to the appellate authority for fresh consideration and disposal in accordance with law.

4. We, accordingly, set aside the order dated 7.3.2003 passed by the appellate authority/Chief General Manager and restore the petitioner's appeal dated 17.8.2001 in the matter of charge-sheet No.DPD/1145 dated 14.3.1998 and DPD/528 dated 3.9.1998 to the file of the appellate authority. The petitioner shall appear before the appellate authority/Chief General Manager on 16.5.2005. The appellate authority may hear the appeal on that day or fix the hearing of the appeal on any other date as may be convenient to him. Needless to say that the order that may be passed by the appellate authority shall be reasoned and speaking order.

5. Rule is disposed of in aforesaid terms.

6. No costs.

(R.M.LODHA,J)

(R.S.MOHITE,J)